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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,771	12/26/2001	Nader Bolourchi	I-2-218.1US	3841

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EXAMINER

ABRAHAM, ESAW T

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,771

Applicant(s)

BOLOURCHI ET AL.

Examiner

Esaw T Abraham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 12-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: <u>06/09/04</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: <u>01/28/03</u> . | 6) <input type="checkbox"/> Other: _____. |

Election / Restriction

Restriction to one of the following invention is required under 35 U.S.C. 121

1. Claims **1-11** drawn to error correction code with additional error detection code (CRC) classified in 714/758.
2. Claims **12-26**, a CDMA network communicating with a user at a higher modulation rate, detecting errors and checking characters (user identity) drawn to error fault detection technique classified in 714/807.

The invention are distinct, each from the other because of the following reasons:

Invention Group 1 and group 2 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they are different modes of operation, different functions or different effects (MPEP 806.04, MPEP 808.01). In the instant case for the different inventions; the invention group 2 is increasing throughput in a CDMA network communicating with a user at a higher modulation rate and detecting errors which has a completely different functions, a completely different effect and a completely different mode of operation from the invention of group 1, transmitting burst data within a communication system comprising CRC generation and determining recovered CRC. Because these inventions are distinct for the reason given above and the search required for the group 1 is not required for group 2, restricting for examination purposes as indicated is proper. Because these inventions are distinct for the reason given above and the search required for group 2 is not required for group 1, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter,

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restriction for examination purposes as indicated is proper. During a telephone conversation with Mr. Steven Galman on June 09, 2004 a provisional election was made without traverse to prosecute the invention of group 1 claims 1-11. The applicant in replying to this office action must make affirmation of this election.

Claims 12-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

DETAILED ACTION

1. Claims 1-11 are remained for the examination. Applicant is reminded that the non-elected claims 12-26 are to be cancelled from the file on or at allowance.

Information Disclosure Statement

2. The reference listed in the information disclosure statement submitted on 01/28/03 has been considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. PN: 5,930,706) in view of Noneman (U.S. PN: 6,735,185).

As per claims 1, 3, 8 and 11, Raith in figure 4 teaches or discloses a mobile station receive burst-modulated signals from a base station through an antenna (121) connected to a receiver (122) (see col. 10, lines 16-20). Raith teaches the output of the speech coder (101) is fed to a channel coder (104) which applies one or more error protection or correction techniques to the data stream and further the channel coder (104) use a CRC over some of the most significant bits (see col. 8, lines 53-60 and figure 8 element 203) and furthermore the channel coder coupled to 2-burst interleaver (108) and to modulo-2 adder (first combiner) (109) (see col. 9, lines 19-22). Raith teaches second combiner (modulo-2 adder) (127) coupled by a symbol detector (126). Raith teaches storing a selected data contained in at least in one of the received messages and comparing the selected data to determine whether the selected data is contained in received data (see claim 1). Raith **does not explicitly teach** a burst data that includes mask and data. **However**, Noneman in an analogous art, in figure 1 teaches a data burst (107) randomizer coupled to a modulo-2 adder (108) and long code generator (109) comprising

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long code mask used to direct sequence spread signal (see col. 2, lines 31-37). **Therefore**, it would have been obvious to a person having an ordinary skill in the art at the time the invention was made to implement the teachings of Raith to include transmitting and receiving burst comprising a data and a mask as taught by Noneman. **This modification** would have been obvious because a person having ordinary skill in the art would have been motivated in order to increase data rate transmission in the reverse traffic channel (see col. 3, lines 26-33). Raith in view of Noneman **do not explicitly teach** an ID or identification field transmitted to the receiving unit. **Nevertheless**, as would have been well known to one ordinary skill in the art at the time the invention was made, such practice (identification field with data or CRC) are required in order to deliver messages to a specific receiving unit. **Accordingly**, it would have been obvious to one ordinary skill in the art to have included an ID field with data in order to deliver messages to a specific pre-designed receiving unit.

As per claim 2, Raith in view of Noneman teach all the subject matter claimed in claim 1 including Raith teaches first and second combiners or modulo-2 adders (see figure 4 elements 109 and 127).

As per claims 4 and 5, Raith in view of Noneman teach all the subject matter claimed in claim 3. Raith in view of Noneman **do not explicitly teach** an ID or identification field and data transmitted to the receiving unit. **Nevertheless**, as would have been well known to one ordinary skill in the art at the time the invention was made, such practice (transmitting identification field with data) are required in order to deliver any message to a specific receiving unit. **Accordingly**, it would have been obvious to one

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ordinary skill in the art to include an ID field with data or mask in order to deliver the message to the specific receiving unit properly.

As per claim 6, Raith in view of Noneman teach all the subject matter claimed in claim 1. Raith in view of Noneman **do not explicitly teach** CRC being initialized (configured) with identification number (ID). **However**, the practice is known in the art for most of data communication systems. **Therefore**, it would have been obvious to a person having an ordinary skill in the art at the time the invention was made to initialize (configure) any combinations of data or CRC with an ID. **This modification** would have been obvious because a person having ordinary skill in the art would have been motivated in order to employ a process for locating and using the defined values for variable data that is used by a computer program.

As per claims 7, 9 and 10, Raith in view of Noneman teach all the subject matter claimed in claims 6 and 8. Raith in view of Noneman **do not explicitly teach** an ID or identification field and data transmitted to the receiving unit. **Nevertheless**, as would have been well known to one ordinary skill in the art at the time the invention was made, such practice (combining identification field and data) are required in order to deliver any message to a specific receiving unit. **Accordingly**, it would have been obvious to one ordinary skill in the art to include an ID field with data or mask in order to deliver the message to the specific receiving unit.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US PN: 5,659,569 Padovani et al.

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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (703) 305-7743. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Esaw Abraham
Esaw Abraham

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Guy J. Lamare
for

Albert DeCady
Primary Examiner